

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 18-CR-2945 WJ
)	
JANY LEVEILLE,)	
SIRAJ IBN WAHHAJ,)	
LUCAS MORTON,)	
HUJRAH WAHHAJ, and)	
SUBHANAH WAHHAJ,)	
)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANTS’
MOTION TO DISMISS COUNTS ONE AND TWO AS UNCONSTITUTIONALLY
VAGUE**

The United States of America respectfully requests an extension of time in which to respond to the Defendants’ “Motion To Dismiss Counts One and Two as Unconstitutionally Vague,” (Doc. 506) filed on November 8, 2022. In support of this motion, the government states as follows:

1. A responsive pleading is due November 22, 2022. However, the Defendants’ motion involves a constitutional challenge to 18 U.S.C. § 2339A, which forms the basis of counts one and two of the superseding indictment. As such, the challenge to this statute and the United States’ responsive arguments may affect ongoing or future terrorism prosecutions nationally, and therefore the United States’ response requires coordination through the National Security Division of

the Department of Justice in Washington, D.C.

2. Due to the timing of the motion's filing, the United States' time to respond has included one federal holiday and falls just before the Thanksgiving holiday (which would also be included in the Defendants' time to file a reply).
3. In order to provide enough time for the appropriate offices within the National Security Division to review and provide input to the United States' response to the Defendants' motion, as well as to avoid the potential need for the parties to work through the Thanksgiving weekend on the response and reply, the United States requests that it be given a fifteen (15)-day extension, until Wednesday, December 7, 2022, to file a responsive pleading.
4. Defendants Siraj Wahhaj, Subhanah Wahhaj, and Jany Leveille, through counsel, do not oppose this request. Counsel for defendant Hujrah Wahhaj did not respond to the United States' request for position on this motion within 24 hours of the request. Counsel for the United States was not able to contact pro se defendant Lucas Morton in time to ascertain his position on this motion, but the United States assumes for the purpose of this motion that Mr. Morton opposes the request for extension.

WHEREFORE, the United States respectfully requests an extension of time until Wednesday, December 7, 2022, to respond to the Defendants' "Motion To Dismiss Counts One and Two as Unconstitutionally Vague," (Doc. 506).

Respectfully submitted,

ALEXANDER M.M. UBALLEZ
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/S/ Electronically filed
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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to defense counsel.

/S/ Electronically filed
TAVO HALL
Assistant United States Attorney